

No. 24-1098

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**United States Court of Appeals**  
*for the*  
**Federal Circuit**

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BRITA LP,  
*Appellant*

v.

INTERNATIONAL TRADE COMMISSION,  
*Appellee*

ZERO TECHNOLOGIES, LLC; CULLIGAN INTERNATIONAL CO.; VESTERGAARD  
FRANDSEN INC., D/B/A LIFESTRAW; KAZ USA, INC.; HELEN OF TROY LIMITED,  
*Intervenors*

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*Appeal from the United States International Trade Commission in Investigation No.  
337-TA-1294*

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**APPELLEE’S AND INTERVENORS’ OPPOSED JOINT MOTION FOR AN  
EXTENSION OF TIME TO FILE RESPONSE BRIEFS**

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Houda Morad  
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312-372-1121

*Counsel for Vestergaard Frandsen  
Inc., d/b/a LifeStraw*

March 27, 2024

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FORM 9. Certificate of Interest

Form 9 (p. 1)  
March 2023

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

**CERTIFICATE OF INTEREST**

**Case Number** 2024-1098

**Short Case Caption** Brita LP v. ITC

**Filing Party/Entity** Zero Technologies, LLC and Culligan International Co.

**Instructions:**

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
4. Please do not duplicate entries within Section 5.
5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 11/17/2023

Signature: /s/ John S. Letchinger

Name: John S. Letchinger

## FORM 9. Certificate of Interest

Form 9 (p. 2)  
March 2023

| <b>1. Represented Entities.</b><br>Fed. Cir. R. 47.4(a)(1).                             | <b>2. Real Party in Interest.</b><br>Fed. Cir. R. 47.4(a)(2).  | <b>3. Parent Corporations and Stockholders.</b><br>Fed. Cir. R. 47.4(a)(3).  |
|---|--|--|
| Provide the full names of all entities represented by undersigned counsel in this case. | Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities.<br><br><input checked="" type="checkbox"/> None/Not Applicable | Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities.<br><br><input type="checkbox"/> None/Not Applicable |
| Zero Technologies, LLC  |  | Culligan International Co.   |
| Culligan International Co.  |  | None/Not Applicable  |
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☐ Additional pages attached

## FORM 9. Certificate of Interest

Form 9 (p. 3)  
March 2023

**4. Legal Representatives.** List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable ☐ Additional pages attached

|   |   |  |
|---|---|--|
| Derek M. Freitas<br>Baker & Hostetler LLP | Robert Louis Hails Jr.<br>Baker & Hostetler LLP | Jason F. Hoffman<br>Baker & Hostetler LLP  |
| Jeffrey J. Lyons<br>Baker & Hostetler LLP | Timothy S. Schwarz<br>Blank Rome LLP            | Cassandra Simmons<br>Baker & Hostetler LLP |
| T. Cy Walker<br>Baker & Hostetler LLP     |   |  |

**5. Related Cases.** Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

☒ Yes (file separate notice; see below) ☐ No ☐ N/A (amicus/movant)

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

**6. Organizational Victims and Bankruptcy Cases.** Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable ☐ Additional pages attached

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**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

**CERTIFICATE OF INTEREST**

**Case Number** 2024-1098

**Short Case Caption** Brita LP v. ITC

**Filing Party/Entity** Vestergaard Frandsen Inc. d/b/a LifeStraw

**Instructions:**

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I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 11/22/2023

Signature: /s/ Jeffrey Gargano

Name: Jeffrey Gargano

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March 2023

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| Vestergaard Frandsen Inc. d/b/a LifeStraw   |  | LifeStraw Sàrl   |
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☐ None/Not Applicable ☐ Additional pages attached

George C. Summerfield  
K&L Gates LLP

Nelson M. Hua  
K&L Gates LLP

Michael R. Murphy  
K&L Gates LLP

Ewa A. Wojciechowska  
K&L Gates LLP

Philip A. Kunz  
K&L Gates LLP

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☒ None/Not Applicable ☐ Additional pages attached

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Form 9 (p. 1)  
March 2023

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

**CERTIFICATE OF INTEREST**

**Case Number** 2024-1098

**Short Case Caption** Brita LP v. ITC

**Filing Party/Entity** Kaz USA, Inc. and Helen of Troy Limited

**Instructions:**

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
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I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: Nov. 27, 2023

Signature: /s/ Adam D. Swain

Name: Adam D. Swain

## FORM 9. Certificate of Interest

Form 9 (p. 2)  
March 2023

| <b>1. Represented Entities.</b><br>Fed. Cir. R. 47.4(a)(1).                             | <b>2. Real Party in Interest.</b><br>Fed. Cir. R. 47.4(a)(2).  | <b>3. Parent Corporations and Stockholders.</b><br>Fed. Cir. R. 47.4(a)(3).  |
|---|--|--|
| Provide the full names of all entities represented by undersigned counsel in this case. | Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities.<br><br><input checked="" type="checkbox"/> None/Not Applicable | Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities.<br><br><input type="checkbox"/> None/Not Applicable |
| Kaz USA, Inc.   |  | Helen of Troy Limited  |
| Helen of Troy Limited   |  | Helen of Troy Limited (Bermuda)<br>Helen of Troy Limited (Barbados)  |
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☐ None/Not Applicable ☐ Additional pages attached

|                                    |                                     |   |
|------------------------------------|-------------------------------------|---|
| Adam D. Swain<br>Alston & Bird LLP | Tom W. Davison<br>Alston & Bird LLP | Katherine G. Rubschlager<br>Alston & Bird LLP |
| Kirk Bradley<br>Alston & Bird LLP  | John Haynes<br>Alston & Bird LLP    | Karlee Wroblewski<br>Alston & Bird LLP        |
|                                    |                                     |   |

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☒ Yes (file separate notice; see below) ☐ No ☐ N/A (amicus/movant)

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**6. Organizational Victims and Bankruptcy Cases.** Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable ☐ Additional pages attached

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Pursuant to Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b), Appellee International Trade Commission (“the Commission”) and Intervenor Zero Technologies, LLC; Culligan International Co.; Vestergaard Frandsen Inc., d/b/a LifeStraw; Kaz USA, Inc.; and Helen of Troy Limited (collectively, “Intervenors”) jointly move for an order extending the time to file their response briefs in this appeal by 60 days. The Commission’s and Intervenor’s response briefs are currently due on April 24, 2024. A 60-day extension would make the briefs due on June 24, 2024 (June 23, 2024, being a Sunday). As set forth below, good cause exists for the requested extension. The Commission and Intervenor have not sought any previous extension of time in this appeal.

The requested extension of time is necessary due to the limited availability of attorneys representing Intervenor and the need for coordination of a single response brief among unrelated Intervenor and counsel at different law firms. Specifically, attorneys representing Intervenor have other work before this Court and other tribunals that will complicate their ability to complete the briefing in this case by the original deadline, detailed further in the accompanying declaration. This request for an extension of time is made in good faith and not for the purpose of delay or procedural advantage. The Commission joins Intervenor’s motion, and requests the same extension of time for filing its brief, to ensure that all response briefs are filed on the same day.

Appellant Brita LP (“Brita”) indicated it would not oppose an extension of 35 days, but it does oppose an extension of 60 days because “any delay now shortens the prospective relief Brita can get from an exclusion order.” Brita does not identify any material basis to justify its refusal to consent to the additional 25 days the Commission and Intervenors seek. Brita’s arguments regarding delay, moreover, are at odds with its own conduct in pursuing this appeal. Brita obtained—unopposed—its own extension of time for its brief of 35 days (*see* ECF Nos. 24, 25), so Brita cannot rationally contend that the Commission’s and Intervenors’ 60-day request is unreasonable. Moreover, Brita took over 30 days to file its notice of appeal leading to further delay of this case.<sup>1</sup> Brita’s actions have led to a self-imposed delay of these proceedings for over 60 days, and belie any opposition to the Commission’s and Intervenors’ motion. Nevertheless, Brita has indicated that it intends to file a response to oppose this motion because the Commission and Intervenors seek an extension of more than 35 days.

For the foregoing reasons, and for the additional reasons set forth in the accompanying declaration, the Commission and Intervenors respectfully request that this Court grant an extension of 60 days, until June 24, 2024, to file their response briefs.

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<sup>1</sup> Brita’s notice of appeal was timely, but the choice to delay undermines a claim of prejudice here.

Dated: March 27, 2024

Respectfully submitted,

By: /s/ Panyin Hughes<sup>2</sup>  
Panyin Hughes  
Attorney Advisor  
Houda Morad  
Acting Assistant General Counsel  
Office of the General Counsel  
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*Counsel for Appellee International Trade Commission*

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303-764-4072

Alaina Lakawicz  
**BAKER & HOSTETLER LLP**  
1735 Market Street  
Suite 3300  
Philadelphia, PA 19103  
215-564-2576

---

<sup>2</sup> The Commission consents to Intervenor's filing of this motion on its behalf.

*Counsel for Zero Technologies, LLC and  
Culligan International Co.*

By: /s/ Adam D. Swain  
Adam D. Swain  
Thomas W. Davison  
**ALSTON & BIRD LLP**  
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950 F Street, NW  
Washington, DC 20004  
202-239-3025

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Karlee Wroblewski  
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**ALSTON & BIRD LLP**  
560 Mission Street, Suite 2100  
San Francisco, CA 94105  
415-243-1000

*Counsel for Helen of Troy Limited and Kaz  
USA, Inc.*

By: /s/ Jeffrey R. Gargano  
Jeffrey R. Gargano  
Devon C. Beane  
**K&L GATES LLP**  
70 West Madison Street, Suite 3300  
Chicago, IL 60602  
312-372-1121

*Counsel for Vestergaard Frandsen Inc., d/b/a  
LifeStraw*

No. 24-1098

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**United States Court of Appeals**  
*for the*  
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BRITA LP,  
*Appellant*

v.

INTERNATIONAL TRADE COMMISSION,  
*Appellee*

ZERO TECHNOLOGIES, LLC; CULLIGAN INTERNATIONAL CO.; VESTERGAARD  
FRANDSEN INC., D/B/A LIFESTRAW; KAZ USA, INC.; HELEN OF TROY LIMITED,  
*Intervenors*

---

*Appeal from the United States International Trade Commission in Investigation No.  
337-TA-1294*

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**DECLARATION OF JEFFREY R. GARGANO IN SUPPORT OF  
APPELLEE’S AND INTERVENORS’ OPPOSED JOINT MOTION FOR AN  
EXTENSION OF TIME TO FILE RESPONSE BRIEFS**

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I, Jeffrey R. Gargano, under penalty of perjury and pursuant to 28 U.S.C. §  
1746, declare as follows:

1. I am a partner in the law firm of K&L Gates LLP, and a member of the  
Bar of this Court. I am counsel for Intervenor Vestergaard Frandsen Inc., d/b/a  
LifeStraw (“LifeStraw”) in the referenced appeal. I submit this declaration based on



personal knowledge, and, if called upon as a witness, I could testify as to the truth of each statement.

2. This is the International Trade Commission's and Intervenor's first request for an extension of time in this appeal.

3. There is good cause for the requested extension as I and other counsel of record for the Intervenor have intervening obligations in unrelated matters pending before this Court and other tribunals that will complicate our ability to coordinate among the Intervenor and counsel at different law firms and complete the briefing in this case by the original deadline.

4. For example, counsel for Intervenor Kaz USA, Inc. and Helen of Troy Limited are scheduled for two jury trials on April 1, 2024, in the Eastern District of Texas—one of which is likely to be rescheduled for later in April or May as it is the second listed trial on Judge Gilstrap's calendar (Case Nos. 22-cv-296 and 22-cv-343). The same counsel also have a scheduled ITC trial in early June. Counsel for Intervenor Zero Technologies, LLC and Culligan International Co. have a *Markman* hearing on April 17. Counsel for LifeStraw are lead counsel in numerous other appeals pending in this Court with briefs due at least on March 22, 2024; April 25, 2024; May 22, 2024; and preparing for trial in a matter pending in the Northern District of Illinois, including a mock trial in April. Counsel for LifeStraw additionally have preexisting travel scheduled in April. The proposed extension will accommodate

these immediate conflicts and permit the coordination of a single brief on behalf of all Intervenors.

5. This request is made in good faith and not for purpose of delay or procedural advantage.

6. The Commission and counsel for Intervenors communicated with Appellant Brita regarding the requested extension of time. Counsel for Brita indicated that it opposes any extension of time greater than 35 days and will file a response.

Dated: March 27, 2024

Respectfully submitted,

By: /s/ Jeffrey R. Gargano  
Jeffrey R. Gargano  
K&L Gates LLP

FORM 19. Certificate of Compliance with Type-Volume Limitations

Form 19  
July 2020

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS**

**Case Number:** 2024-1098

**Short Case Caption:** Brita LP v. ITC

**Instructions:** When computing a word, line, or page count, you may exclude any items listed as exempted under Fed. R. App. P. 5(c), Fed. R. App. P. 21(d), Fed. R. App. P. 27(d)(2), Fed. R. App. P. 32(f), or Fed. Cir. R. 32(b)(2).

The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it meets one of the following:

- ☒ the filing has been prepared using a proportionally-spaced typeface and includes 476 words.
- ☐ the filing has been prepared using a monospaced typeface and includes \_\_\_\_\_ lines of text.
- ☐ the filing contains \_\_\_\_\_ pages / \_\_\_\_\_ words / \_\_\_\_\_ lines of text, which does not exceed the maximum authorized by this court's order (ECF No. \_\_\_\_\_).

Date: 03/27/2024

Signature: /s/ Jeffrey R. Gargano

Name: Jeffrey R. Gargano